

Remarks/Arguments

Claims 1-40 were pending in this application. Claims 1, 4, 13, 16, 18, 20, 21, 23, 24, 25 and 30 have been amended herein. Claims 2, 3, 5, 7, 10, 14, 15, 17, 19, 22 and 38-40 have been cancelled herein. Claims 1, 4, 6, 8, 9, 11-13, 16, 18, 20, 21 and 23-37 will be pending after entry of this amendment. No additional fee is due at this time.

A brief telephonic interview took place on February 13, 2007, between the Examiner and the undersigned attorney. During this interview, the attorney asked the Examiner to clarify the status of claims 3 and 15, which are described in the body of the recent office action as being allowable, while claim 15's base claim is ejected under Section 101 (see below) and neither claim is indicated as being allowable on the summary sheet. The Examiner graciously reviewed the action and confirmed that these claims contain allowable subject matter, subject to being rewritten in independent form, and in the case of claim 15, subject to amendment to correct the issue with Section 101. Applicants thank the Examiner for his kind assistance and willingness to move this application forward towards allowance.

Claims 13-24 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because no computer-readable medium was recited in claim 13, or any of its dependent claims. Claim 13 has been amended herein to recite a "computer readable storage medium." This recitation is supported in the specification in paragraph [0049]. Applicants submit that claim 13, as amended, and any remaining claims that depend from claim 13 are patentable under Section 101.

The Examiner rejected all claims other than claims 3 and 15 under either 35 U.S.C. § 102(e) as anticipated by published U.S. Patent Application 2002/0049573 to El Ata, or under 35 U.S.C. § 103(a) in view of El Ata in combination with non-linear optimization. With respect to claim 3 and 15, the Examiner found them to contain allowable subject matter and to be allowable subject to rewriting them in independent form and correcting any other problems with these claims. In response, for convenience, Applicants have rewritten independent claims 1 and 13 to include all limitations previously contained in claims 3 and 15, respectively. Applicants have further canceled claims 3 and 15 as well as the intervening dependent claims. Applicants submit that claims 1 and 13 are now allowable for the same reasons previous claims 3 and 15 were allowable. Additionally, all claims that depend from

amended claims 1 and 13 now incorporate these same recitations through dependency and should be allowable for at least these same reasons.

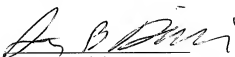
Applicants further note that no other claim sets in the application as originally filed contained dependent claims with all the recitations of original claims 3 and 15. However, Applicants have herein amended independent claims 25 and 30 to contain these recitations and to be substantially commensurate with original claims 3 and 15, so that claims 25 and 30, as amended, as well as claims that depend from claims 25 or 30 should be allowable for at least the same reasons that original claims 3 and 15 were allowable. Applicants have made further amendments throughout the dependent claims in the application for consistency with all newly amended independent claims, and have canceled dependent claims rendered redundant by the amendments to the independent claims.

Applicants are grateful to have this application assigned to such an experienced Examiner. Applicants believe they have responded to all of the concerns raised by the Examiner. Reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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